

States army from the evil effects of the liquor traffic, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 13, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 5, copy of which is hereto attached and find it correctly enrolled, and have this day at 11:15 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

S. C. R. No. 5:

Resolved, by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the House and the Enrolling Clerk of the Senate be directed and required to make carbon copies of all enrolled bills and resolutions that may be sent to the Governor for approval and that they shall furnish said copies to the Secretary of State at the same time the original enrolled bills or resolutions are transmitted to the Governor.

Committee Room.

Austin, Texas, March 13, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 7, copy of which is hereto attached and find it correctly enrolled, and have this day at 11:15 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

S. C. R. No. 7:

Resolved by the Senate, the House of Representatives concurring, That the Sergeants-at-Arms of the House and the Senate be directed to deliver all waste paper to the Austin Chapter of the Red Cross Society.

FOURTEENTH DAY.

Senate Chamber.

Austin, Texas.

Thursday, March 14, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton. McCollum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

House Bill No. 54.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 54, A bill to be entitled "An Act creating the Hutto Independent School District in Williamson County, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 54 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Page.
Collins.	Parr.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Dean.	Robbins.
McNealus.	Woodward.

Absent—Excused.

Dayton.	McCollum.
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The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—24.

Alderdice.	Gibson.
Bailey.	Hall.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Collins.	Lattimore.
Dean.	Page.
Decherd.	Parr.
Faust.	Suiter.
Floyd.	Westbrook.

Absent.

McNealus.	Strickland.
Robbins.	Woodward.
Smith.	

Absent—Excused.

Dayton.	McCollum.
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Messages from the Governor.

Several executive messages were at this time presented by Mr. Brooks from the Governor's office.

The messages were laid before the Senate and read as follows:

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration legislation providing that forfeiture by the Commissioner of the General Land Office of public free school land for the failure to pay the interest due on purchases for the years 1916, 1917, and 1918 be held in abeyance until August, 1919.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration legislation creating an Act to validate sales of school land on condition of settlement in cases where purchasers have been or may be drafted into the service of the Federal Government before they had time to settle on the land and in cases where they did comply with the law relative to settlement but have been or may hereafter be forced to leave the land to make a support for themselves or their families, or have been or may be drafted into the service of the Federal Government before completing the required residence.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration the following subject:

"An Act giving to the owner of any real estate or interest therein sold under execution, order of sale, deed of trust, mortgage or other contract lien the right to redeem the same at any time in one year from the date of sale, by paying to the purchaser the amount of the purchase money paid, together with interest thereon."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Messrs. Bass and Metcalfe, I submit for your consideration, an Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 46 of the Acts of the Thirty-third Legislature, providing for the distribution of State Fish Hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents; may take or catch brood fish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may be by them considered necessary and proper; providing for a closed season on crappie and bass; prescribing the size of fish that may be taken; providing a penalty for a violation of this statute.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the subject of providing an increased appropriation for the State Epileptic Colony for the current biennium. In connection with this subject, I am transmitting copies of letters written by the Board of Managers of the institution to the Governor and to Mr. Geo. Leavy, State Purchasing Agent.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

State Epileptic Colony.

Abilene, Texas, March 9, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

Dear Sir: We are in receipt of a

telegram from the State Purchasing Agent saying that you will grant some deficiencies, and suggesting that we ask for the sum of \$1,000.00 to cover all necessities. We beg to say that the institution cannot get through on this amount. We have been forced to make expenditures for coal and feed beyond what was anticipated, and we will, on meat alone, have to pay 17 1-2 cents per pound as against 11.40 cents per pound, the price at which we have been buying. Flour is costing us this year \$11.00 per barrel as against \$5.84 per barrel last year; and many other things in proportion.

In the appropriations made for Colony for this fiscal year there are three items, viz; one of \$2,500.00 for a fire apparatus and fire escapes; one for \$750.00 for a silo and one for \$4,000.00 for re-building the electric line to our pumping station. These several appropriations are as yet unexpended.

The management deems it inexpedient, owing to the rapid advance in price of all electrical material, to expend the item of \$4,000.00, and too, it is inadequate, at present prices, to reconstruct the line.

The expenditure of the appropriation of \$2,500.00 for fire escapes and fire apparatus can be deferred until the finances of the State are in a more satisfactory and less stringent condition, as the institution has adopted extraordinary precautions against fire; and the appropriations for a silo can also be postponed.

Now, if the Legislature can, by the proper enactment, transfer these items, above enumerated, to the appropriations for support and maintenance and dry goods, it would greatly relieve our embarrassment, and would not actually make any further encroachment on the State Treasury—no further actual outlay.

You will recall, that upon the recommendation of yourself and our representative, and the opinion of the Attorney General, a complete set of dental instruments was returned to Dr. W. T. Stewart and our appropriation therefor lapsed. You suggested that you would recommend a new appropriation for dental instruments. This appropriation can also be deferred until easier and happier times.

Now we ask that the several items above mentioned be revoked for the

purposes for which they were appropriated and that they be appropriated and applied as above indicated and requested.

We also respectfully urge an increase in the salary of the baker. He is, under the 1917 appropriation receiving only \$30.00 per month, which in these times of high prices is grossly inadequate.

In conclusion, we desire to ask that you kindly recommend to the Legislature the passage of proper enactment to relieve the situation with the institution, and assure you that it will continue to be the policy of the management to be as conservative with the expenditure of the public money as it is possible to be.

Thanking you for past favors,
Yours very truly,
T. B. BASS,
Superintendent.

State Epileptic Colony.

Abilene, Texas, March 9, 1918.

Mr. Geo. Leavy, Austin, Texas.

Dear Sir: I am handing you herein copy of a letter I am writing to Governor Hobby relative to appropriations to meet our deficiency, which letter is self-explanatory. I would be glad to have you call upon the Governor in person and lay this matter before him, and urge upon him that he ask the Legislature for the proper action to meet the situation.

We need about \$1,000.00 of the amount for dry goods and clothing and the remainder for support and maintenance. You are, of course, aware that we already have some dry goods bought that we are unable to pay for and are holding same until we see what can be done.

Anything that you may be able to do to assist us in this matter, will be appreciated.

Thanking you in advance for your kindness, I am,

Yours very truly,
T. B. BASS,
Superintendent.

Bills and Resolutions.

By Senator Johnson of Hall:

S. B. No. 78, A bill to be entitled "An Act to repeal Chapter 76 of the General Laws of the State of Texas,

passed by the Thirty-fifth Legislature at its Regular Session, and, in lieu thereof, to create a Supreme Court of Civil Appeals, to provide for the appointment and election of judges thereof, to prescribe and fix the powers and jurisdiction of such court and the judges thereof, to provide for the compensation of the judges thereof, to make appropriation to pay the salaries of such judges, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hudspeth:

S. B. No. 79, A bill to be entitled "An Act to make effective the provisions of Section 59 of Article 16 of the Constitution, providing for the creation of conservation and reclamation districts, and providing that any water improvement district, drainage district or levee improvement district organized, or to be organized as defined districts under the provisions of any law of this State and Section 52 of Article 3, of the Constitution, may avail itself of the benefits of Section 59 of Article 16 of the Constitution, and providing that any such district may incur indebtedness and levy taxes necessary to carry out the purpose of its organization, removing restrictions and limitations of indebtedness to be incurred by any such district; providing for the management and control of such district, and declaring an emergency."

Read first time and referred to the Committee on Mining and Irrigation.

By Senator Hudspeth:

S. B. No. 80, A bill to be entitled "An Act to validate sales of school land on condition of settlement in cases where purchasers have been, or may be, drafted into the service of the Federal Government before they had time to settle on the land, and in some cases where they did comply with the law relative to settlement, but have been, or may hereafter be forced to leave the land to make a support for themselves and for their families, or have been, or may be, drafted into the service of the Federal Government before completing the required residence, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Collins:

S. B. No. 81, A bill to be entitled "An Act to authorize and require the Board of Prison Commissioners to pay into the Treasury of the State of Texas such an amount of money belonging to the Penitentiary System as was appropriated by the Regular Session of the Thirty-fifth Legislature at its first, second, third and fourth called sessions, to pay obligations created by said Board of Prison Commissioners and authorizing the Treasurer of the State of Texas to pay out said money in satisfaction of said obligations, including four certain notes executed by said Board of Prison Commissioners in favor of the E. L. Wilson Hardware Company of Beaumont, Texas.

Read first time and referred to the Committee on Public Debts, Claims and Accounts.

By Senator Buchanan of Bell:

S. B. No. 82, A bill to be entitled "An Act creating the Gatesville Independent School District in Coryell County; and providing for an emergency."

Read first time and referred to the Committee on Educational Affairs.

Simple Resolution No. 36.

Whereas, The Secretary of the Senate has just received a telegram from Hon. Morris Sheppard announcing that the Secretary of the Treasury, Hon. Wm. G. McAdoo, will deposit up to five million dollars in the drouth stricken section of South and West Texas for the relief of sufferers from the protracted drouth, and

Whereas, This was procured through resolution of this Senate requesting the Texas Delegation to urge this proposition, and through the efforts of our patriotic representatives in the National Congress; therefore, be it

Resolved, That the Senate of Texas extend a vote of thanks to Senators Sheppard and Culberson, and the Texas Delegation; for their efficient and patriotic service in this hour of misfortune and distress, for the great body of citizens in the district affected; they will ever be held in remembrance in the great hearts of people who are nearly starving, by our National Government, although the

heavy hand of affliction has been laid upon them, and want stalks abroad in their section of this great State; and that the Secretary of the Senate transmit a copy of this message to each member of Texas Delegation.

HUDSPETH.

The resolution was read and adopted.

Simple Resolution No. 37.

Resolved that the Senate has heard with deep regret of the death of Mrs. Emile Real, the mother of Hon. Julius Real, who was formerly an honored member of this body; and that we extend to him and his family our sincere sympathy in their loss, and be it further

Resolved that a copy of these resolutions be forwarded to ex-Senator Real.

(Signed)—Bee, Alderdice, Bailey, Buchanan or Bell, Buchanan of Scurry, Caldwell, Clark, Collins, Dayton, Dean, Decherd, Faust, Floyd, Gibson, Hall, Henderson, Hopkins, Hudspeth, Johnson of Hall, Johnston of Harris, Lattimore, McCollum, McNealus, Page, Parr, Robbins, Smith, Strickland, Suiter, Westbrook, Woodward.

The resolution was read and adopted unanimously.

Senate Concurrent Resolution No. 8.

Whereas, The drouth in the school land area of the State is so severe that the resources of the citizens are necessary for the feeding of stock and personal existence; and

Whereas, The interest due on the school land accounts is well secured by a lien on the land; therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, that the forfeiture by the Commissioner of the General Land Office of public free school land for the failure to pay the interest due on purchases for the years 1916, 1917, and 1918, be held in abeyance until August 1919.

HUDSPETH.
BAILEY.

The resolution was read and adopted.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 24, A bill to be entitled "An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with, or overlaps another district, to pass an order correctly redefining it, and validating all overlapping road districts, except the part thereof which overlaps or embraces any portion of a contiguous road district or road districts, and ratifying all regular and proper proceedings had with reference to bonds issued therein, and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act creating the Mauriceville Independent School District in Orange County, Texas, etc."

H. B. No. 56, A bill to be entitled "An Act to establish and create a Criminal District Court for Bowie County, etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives

Bills Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after their captions had been read, the following House bills:

H. B. No. 118, referred to the Committee on Educational Affairs.

H. B. No. 56, referred to the Committee on Judicial Districts.

House Bill No. 60.

The Chair laid before the Senate on second reading:

H. B. No. 60, A bill to be entitled "An Act creating the Highland Independent School District in McLennan County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 60 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hall.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Page.
Faust.	Parr.
Floyd.	Strickland.
Gibson.	Westbrook.

Absent.

Buchanan of Scurry.	Suiter.
Robbins.	Woodward.
Smith.	

Absent—Excused.

Dayton.	McCollum.
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The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed by the following vote:

Yeas—24.

Alderdice.	Gibson.
Bailey.	Hall.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Strickland.
Floyd.	Westbrook.

Absent.

Johnston of Harris.	Suiter.
Robbins.	Woodward.
Smith.	

Absent—Excused.

Dayton.	McCollum.
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House Bill No. 26.

The Chair laid before the Senate on second reading:

H. B. No. 26, A bill to be entitled "An Act to amend Chapter 67, of the Acts of the Regular Session of the Thirty-third Legislature as amended by Chapter 31, of the Acts of the First Called Session of the Thirty-third Legislature, regulating the shipment and sale of intoxicating liquors; this Act being to amend the aforesaid Act of the Legislature so that Sections 2, 3, 4 and 5 of said Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature shall be divided into seven sections, to be known in said chapter as Sections 2, 3, 4, 5, 5a, 5b, and 5c, and also by amending Section 9 of said Chapter 31, so that said sections as thus divided and amended shall read, in substance, that, except as otherwise provided, it shall be unlawful for any person to possess intoxicating liquors for personal use, sale, or any other purpose, or receive from a common carrier or any person, firm or corporation or any officer, agent, or employe thereof in any place where sale of intoxicating liquors is prohibited; making this provision apply to interstate as well as intrastate shipments and carriers, etc., and declaring an emergency."

The bill was read and Senator Floyd offered the following amendment which was read:

(1) Amend the bill, page 5, Section 3, in line 18, after the word "livery stable," by adding the words "automobile garage."

Senator Clark moved to table the amendment which motion was lost.

Action recurred upon the amendment and the same was adopted.

Senator Floyd offered the following amendment which was read and adopted:

(2) Amend the caption of the bill page 3, by adding after the words "livery stable," the words "automobile garage."

Senator Henderson offered the following amendment which was read:

Amend the bill page 5, line 25, by striking out the comma after the word "resort" and inserting a period. Strike out all the rest of said section.

HENDERSON.

On motion of Senator Johnson of Hall the amendment was tabled.

Senator Hopkins offered the following amendment which was read and adopted:

(3) Amend House Bill No. 26, page 5, line 18, by striking out the word "or" before the word "alley," and by adding after the word "alley" the following: "or any other public place."

The bill was on motion of Senator Lattimore laid on the table subject to call.

House Bill No. 53.

The Chair laid before the Senate on second reading:

H. B. No. 53, A bill to be entitled "An Act creating Burkeville Independent School District in Newton County, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 53 put on its third reading and final passage by the following vote:

Yeas—29.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton. McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed finally.

House Bill No. 55.

The Chair laid before the Senate on second reading:

H. B. No. 55, A bill to be entitled

"An Act to create the Lamkin Independent School District in Comanche County, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 55 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Henderson
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Page.

Absent—Excused.

Dayton. McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Woodward, was passed finally.

House Bill No. 32.

The Chair laid before the Senate on second reading:

H. B. No. 32, A bill to be entitled "An Act to diminish and re-establish the limits of Talpa Independent School District, repealing all laws so far as they conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 32 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Parr.
Collins.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Absent.

Henderson. Page.

Absent—Excused.

Dayton. McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Woodward, was passed by the following vote:

Yeas—28.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Henderson.

Absent—Excused.

Dayton. McCollum.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 41, A bill to be entitled "An Act to provide for the teaching of lessons in patriotism in the public schools of this State, for the proper display of the United States

flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto."

H. B. No. 30, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26, and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Armstrong County, and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act to authorize the commissioners courts of the various counties of this State to pay for the services of interpreters employed by the various courts in this State, and providing for the collection in civil suits of the sum of three dollars (\$3.) as cost of interpreter in every civil suit where an interpreter is used, and declaring an emergency."

House Bill No. 8.

The Chair laid before the Senate on second reading:

H. B. No. 8, A bill to be entitled "An Act prohibiting the manufacture, sale, barter or exchange of spirituous, vinous or malt liquors, or liquors of any character capable of producing intoxication within this State, on and after the taking effect of this Act, except for medicinal, mechanical, scientific or sacramental purposes; prohibiting the use of premises, devices and aids in the manufacture, sale, barter or exchange of such liquors; providing penalties for violation of this Act; providing certain civil remedies for the enforcement of the terms of this Act, the same being cumulative of all other remedies relevant thereunto; prescribing the terms upon which liquors may be manufactured, sold, bartered or exchanged for medicinal, mechanical, scientific or sacramental purposes; providing procedure for the procuring of evidence for the enforcement of the terms of this Act and providing procedure for the prevention of violations of the terms of

this Act; repealing certain laws in conflict herewith, making the terms of this Act cumulative of all other laws upon the subject not in conflict herewith; extending to the entire State the provisions of certain statutes heretofore applicable to local option territory; making it a felony punishable by confinement in the penitentiary to keep 'a cold storage or place for the keeping for others of such liquors, and punishing corporations by fines, penalties and forfeiture of charters for the violation of this; providing penalties and remedies against officers charged with any duty in connection with the enforcement of this Act for failure to perform such duties; prescribing venue; and declaring an emergency."

The bill was read and Senator Westbrook offered the following amendment:

(1) Amend the bill by adding a new section to be known as section 9, to read as follows:

"For the purpose of this Act intoxicating beverages are defined as being any beverage containing as much as one-half of one per cent alcohol."

Senator Dean offered the following substitute, which was read and prevailed:

Substitute for the pending amendment, No. 1.

Amend the bill by adding after Section 9, a new section to be known as 9a, and to read as follows:

"Any liquor or drinks, which contain as much as one-half of one per cent alcohol, and is manufactured, or sold for beverage purposes, shall be held to be intoxicating liquor within the terms and meaning of this Act."

The amendment as substituted was then adopted.

Senator Suiter offered the following amendment, which was read:

(2) Amend House Bill No. 8, by adding after Section 10, Section 10a, which shall read as follows:

"Section 10a. Any firm or corporation found guilty of violating any of the provisions of this Act shall be liable unto the State of Texas for a penalty in a sum not less than \$1,000.00 nor more than \$1,500.00, which penalties may be recovered in a civil suit brought in the name of the State of Texas in any county of the State where the offense, in whole or in part, may

have been committed and may be brought by the Attorney General of Texas, or by the county or district attorney of the county in which the offense, in whole or in part, may have been committed; and each day that such company, firm or corporation may do or cause to be done any act or acts in violation hereof, shall constitute a separate offense, and the State of Texas shall proceed to collect said penalties as in other civil suits against companies, firms or corporations."

SUITER.

Senator Clark moved to table the amendment, which motion was lost. Action recurred upon the amendment and the same was adopted.

Senator Suiter offered the following amendment which was read and adopted:

(3) Add Section 6a as follows:

"Section 6a. It shall be unlawful for any person, firm or corporation in this State, in person, by letter, circular or other printed or written matter, or in any other manner, to solicit or take orders in this State for any intoxicating liquors, prohibited by the laws of this State, to be sold, bartered, transported, or otherwise disposed of. The inhibition of this section shall apply to such liquors, whether the parties intend that the same shall be shipped into this State from outside the State or from one point in this State to another point in this State and whether or not the orders are subject to approval by some other person, and it shall be unlawful for any person, firm or corporation to, in any manner, either directly or indirectly, advertise for sale any spirituous, vinous or malt liquors, or medicated biters, capable of producing intoxication as in this Act defined."

Senator Dean offered the following amendments which were read and adopted, seriatim:

(4) Amend the bill by striking out the words "on and after the taking effect of this Act," line 29, Section 1, page 1, and by changing the small "t" to a capital "T" in the word "the," same line.

(5) Amend the bill by striking out the words "shall be," line 32, page 1, and inserting in lieu thereof the words "are hereby."

(6) Amend the bill by striking out the words "on and after the tak-

ing effect of this Act," line 2, Section 2, page 2, and by beginning the word "the" on the same line with a capital letter.

(7) Amend the bill by striking out the words "shall be," line 5, page 2, and inserting in lieu thereof the words "are hereby."

Senator Collins offered the following amendment which was read and adopted:

(8) Amend by striking out the word "and," after the word "liquors" in line 30, page 1, and insert the word "or."

House Bill No. 8 pending.

Recess.

At 12:05 o'clock p. m., the Senate, on motion of Senator Clark, recessed until 2:30 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd and on request of Senator Buchanan of Scurry, stood at ease for fifteen minutes.

In the Senate.

(President Pro Tem. Decherd in the chair.)

Messages from the Governor.

Mr. Raymond Brooks here appeared at the bar of the Senate, with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Messrs. Butler, Lindeman, and Dunham, I submit, for your consideration, an Act to amend Section 1, Chapter 61, of the Acts passed by the Thirty-third Legislature at its regular session, approved March 31, 1913, fixing the time for holding court in the Twenty-seventh Judicial District of Texas; providing when this Act shall take

effect and repealing all laws or parts of laws in conflict herewith.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 14, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Hon. Mack Traylor, I submit for your consideration an Act to amend Title 124, Chapter 5, Revised Civil Statutes, 1911, allowing any owner, lessee or person in lawful possession of enclosed lands certain fees for impounding hogs; providing for the manner of disposing of same by amending Article 7224.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 14, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Messrs. Caldwell, Smith and Hudspeth, I submit for your consideration an Act to repeal Article 7380 of Chapter 2 of Title 126 of the Revised Civil Statutes of the State of Texas of 1911 as enacted in Section 12 of Chapter 18 of the General Laws of the State of Texas, passed at the First Called Session of the Thirtieth Legislature, approved May 16, 1907, providing a tax on the sale of pistols.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 14, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of Senator W. D. Suiter, I submit, for your consideration, an Act to amend Article 6552, Title 115, Chapter 10 of the Revised Civil Statutes of 1911, providing that trains shall be regulated and notice shall be given of the time of trains, their places of stopping for freight and passengers; providing further, that no railroad company, manager, or receiver, shall cease to operate trains on any railroad, and if they have so ceased to operate shall resume operation; providing further, that the Railroad Commission of the

State of Texas shall enforce the regulations hereof, and shall report to the Attorney General violations hereof, who shall file suit to enforce the same, and that this act shall be cumulative of all laws now in effect on this subject.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 14, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

At the request of the Superintendent and Board of Trustees of the State Juvenile Training School, I submit for your consideration legislation to provide an addition appropriation to cover a prospective deficiency for the maintenance of that institution during the present current year.

I accompany this message with copy of the request from the Superintendent and the Board of Trustees.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Gatesville, Texas, March 12, 1918.
Hon. W. P. Hobby, Governor of
Texas; Austin, Texas.

Dear Sir: We, the Superintendent and Board of Trustees of the State Juvenile Training School are obliged to request you kindly to submit to this special session of the Legislature the matter of an additional appropriation of thirty thousand dollars (\$30,000) to cover a prospective deficiency in our maintenance fund for the current fiscal year, ending August 31, 1918.

There are four principal reasons for the imminent occurrence of this deficiency in the maintenance fund, viz.:

1. The fact that the institution, since September 1, 1917, has been obliged to retain and take care of an average of 300 (three hundred) negro juveniles; despite the fact that the Second Called Session of this Legislature enacted a law requiring their removal to Madison County, to and under the control of the Board of Prison Commissioners. This law, as you are aware, was never carried out; and our institution has been burdened with very heavy additional expense in consequence. We would

remind you that our legislative estimates of and requests for appropriations during the past season, for the fiscal years of 1917-18 and 1918-19, were based on the expectation that the large negro population would be removed in compliance with the statute. That is, they were based on a population of 500 (five hundred) white boys; but we now have 511 white boys and, on the average the number of our white inmates is increasing monthly. The present institutional population is approximately 800 (eight hundred). Furthermore, in anticipation of the legal removal of the negroes, we permitted an appropriation of \$50,000 (fifty thousand dollars) to revert to the State, in the matter of purchasing additional lands whereon to work the negro juveniles.

2. The heavily increased cost of all food supplies, all clothing, dry goods and material generally. In 1916, for example, we paid \$5.50 a barrel for flour; now we must pay \$10.50 a barrel.

3. The heavily increased cost of fuel supplies. In 1916, for example, we paid 60 cents a barrel for fuel oil, delivered at the institution; now we must pay \$2.00 a barrel, on the average.

4. The fact that we have been granted by the Legislature no special funds for any purpose of meeting the steadily increased population of the school. Our "maintenance" must be drawn upon for all purposes connected with the feeding, clothing, housing, working, and instructing of the entire population, including every new boy received into the school. It has been found imperative to employ our allotted portion of the so-called "farm products fund" solely for the physical upkeep and betterment of the institution.

For these and other reasons, we respectfully request this grant of \$30,000 additional in "Maintenance." There is only \$11,000 (in round numbers) remaining in our maintenance fund for the current fiscal year which has five and one-half months yet to run.

We would also direct your attention to the fact that this present Legislature not only legalized the removal of the negro juveniles, but even provided \$25,000 in a separate and distinct statute for such purpose.

Although we have been required to keep and support these negroes, because of the failure of the Prison Commission to remove them, we have not been given the benefit of that money which was set apart by the Legislature for their maintenance.

By way of warning, and a frank report of our situation, we must advise that if we are required to retain this large, excess population of negro inmates during the coming fiscal year of 1918-1919, our maintenance appropriation for said year will be largely inadequate for the purposes intended.

Respectfully yours,

C. E. KING,

Superintendent.

M. M. HARRIS,

MRS. E. W. BOUNDS.

For and of the Board of Trustees.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Representative A. L. Beason, I submit for your consideration the subject of creating an independent school district, to be known as Winnie Independent School District, comprising parts of Chambers and Jefferson Counties.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator Dean, I submit for your consideration an Act to amend Article 698 of the Revised Civil Statutes of Texas of 1911, so as to authorize the investment of the sinking funds of counties, cities, towns, school districts or school communities in United States bonds, war saving certificates, certificates of indebtedness issued by the United States Government and in State, city or town bonds.

Respectfully submitted,

W. P. HOBBY,

Governor of Texas.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Representative A.

L. Beason, I submit for your consideration the subject of providing a more efficient road law for Chambers County.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Hon. Geo. C. O'Brien, I submit for your consideration an act to authorize persons, associations of persons, corporations, and districts to conserve the fresh waters of streams for irrigation against pollution by salt sea tides.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,

Austin, Texas, March 14, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Representative W. F. Dunnum and Senator A. C. Buchanan, I submit for your consideration the subject of creating an independent school district in Gatesville, Coryell County, Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Bill Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 24, A bill to be entitled "An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with or overlaps another road district, to pass an order correctly redefining it, etc., and declaring an emergency."

Bills and Resolutions.

(By unanimous consent.)

By Senator Bee.

S. B. No. 83, A bill to be entitled

"An Act authorizing the acknowledgments of written instruments and the taking of depositions of witnesses in the military or naval service of the United States by officers authorized under the military laws of the United States to administer oaths and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hudspeth.

S. B. No. 84, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency."

Read first time and referred to the Committee on Finance.

By Senators Suiter and Smith.

S. B. No. 85, A bill to be entitled "An Act to amend Article 6552, Title 115, Chapter 10 of the Revised Civil Statutes of 1911, providing that trains shall be regulated and notice shall be given of the time of trains, their places of stopping for freight and passengers; providing further that no railroad company, manager or receiver shall cease to operate trains on any railroad, and if they have so ceased to operate shall resume operation; providing further that the Railroad Commission of the State of Texas shall enforce the regulations hereof, and shall report to the Attorney General violations hereof, who shall file suit to enforce the same, and that this Act shall be cumulative of all laws now in effect on this subject, and declaring an emergency."

Read first time and referred to the Committee on Federal Relations.

By Senator Hall.

S. B. No. 86, A bill to be entitled "An Act creating and establishing the Winnie Independent School District in the Counties of Chambers and Jefferson, State of Texas; defining its boundaries and divesting the bodies now controlling the same of the title of all property now held and used for public school purposes within the territory within this Act described and investing the same in the Winnie Independent School District; providing for the election of a board of trustees to manage and control the public free schools within

said district; authorizing said district to issue bonds, and to assume the outstanding indebtedness against any of the common school districts affected by this Act; and investing the said district with the rights, powers and privileges and duties of a town and village incorporated for free school purposes only under the General Laws; and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

By Senators Caldwell, Hudspeth, and Smith.

S. B. No. 87, A bill to be entitled "An Act to repeal Article 7380 of Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, of 1911, as enacted in Section 12 of Chapter 18 of the General Laws of the State of Texas, passed at the First Called Session of the Thirtieth Legislature, approved May 16, 1907, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Alderdice.

S. B. No. 88, A bill to be entitled "An Act to repeal Articles 7074, 7366, 7367, 7368, and 7392 of the Revised Civil Statutes of the State of Texas, 1911, creating the office of State Revenue Agent and defining his powers and duties, repealing the appropriation for said State Revenue Agent, the bill to become effective January 15, 1919, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Dean.

S. B. No. 89, A bill to be entitled "An Act to amend Article 698 of the Revised Civil Statutes of Texas, 1911, so as to authorize the investment of the sinking funds of counties, cities, towns, school districts or school communities in United States bonds, war saving certificates, certificates of indebtedness in United States Government and in State, city or town bonds, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Collins.

S. B. No. 90, A bill to be entitled

"An Act to amend Chapter 190 of the General Laws enacted by the Thirty-fifth Legislature of 1917, and approved by the Governor on April 4, 1917, and being an Act to establish a State Highway Department, creating a State Highway Commission and the office of State Highway Engineer; prescribing the duties of the members of the Commission and the Engineer, and fixing the compensation of each and the qualifications of such engineer; providing for the employment of such clerical and other assistance as may be necessary in the operation of the Department; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

Message from the House.

Hall of House of Representatives.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 41, A bill to be entitled "An Act to amend Chapter 93 of the Acts of the Thirty-fifth Legislature approved by the Governor, March 26, 1917, and being 'An Act creating the El Paso County Court at Law, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the county court of El Paso County, fixing the salaries of the judges of the county court of El Paso County, and of the El Paso County Court at Law, and declaring an emergency.'"

Adopted

Senate Concurrent Resolution No. 8, Holding in abeyance the interest on free school land until August, 1919.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Executive Session Time Changed.

By unanimous consent and on motion of Senator McNealus, the time for holding the next executive session of the Senate for consideration of appointments of the Governor was changed from next Tuesday, as heretofore set, and fixed for 11 o'clock tomorrow morning.

House Bill No. 8.

Action recurred upon pending business:

House Bill No. 8, Statewide prohibition measure.

Senator Collins offered the following amendments which were read and adopted, seriatim:

(9) Amend the bill as follows: Strike out the word "and" in line 3, page 2, after the words, "liquors" and insert the word "or."

(10) Amend the bill as follows: Strike out the word "and" in line 30, page 1, after the word "vinous," and insert the word "or."

(11) Amend the bill as follows: Strike out the word "and" after the word "vinous" in line 3, page 2, and insert the word "or."

Senator Lattimore offered the following amendment which was read and adopted:

(12) Amend the caption of the bill by striking out all before the enacting clause and inserting in lieu thereof the following:

H. B. No. 8, A bill to be entitled "An Act prohibiting the manufacture and sale, barter or exchange, of intoxicating liquors or medicated bitters, capable of producing intoxication within this State, except for medicinal, scientific, mechanical or sacramental purposes; providing the methods whereby such liquors may be purchased for medicinal, scientific, mechanical or sacramental purposes; prohibiting the keeping or storage of such liquors within this State; making it unlawful for any officer or court of this State to issue or renew any license purporting to authorize the sale of such liquors within this State, except as provided for in this Act, and revoking all licenses heretofore issued for such sale which may be outstanding when this Act becomes effective; providing penalties for violation of any of the provisions of this Act; providing remedy for the enforcement of this Act; providing that each section and provision of this Act shall be separable; providing that this Act shall be cumulative of all other laws now in force and of all Acts of the present Called Session of the Thirty-fifth Legislature regulating and prohibiting the sale of such liquors; and extending to the entire State certain provisions of the local option laws, and prohibiting the transportation

within, or importation into the State of Texas, or the reception before or after transportation, of any such liquors.

LATTIMORE.

Senator Dean offered the following amendment which was read and adopted.

(13) Amend the bill by adding after Section 6a, a new section to be called Section 6b, to read as follows:

"Section 6b. On and after the taking effect of this Act, no officer or court of this State shall be authorized to issue or renew any license purporting to authorize the sale of spirituous, vinous, or malt liquors, or medicated bitters, capable of producing intoxication, except as provided in this Act, and all licenses heretofore issued for such sale and outstanding when this Act becomes effective shall become null and of no effect."

Senator Clark offered the following amendment which was read:

Amend House Bill No. 8, by striking out all of line 28, on page 1, of the bill. (The enacting clause.)

Senator Hopkins moved to table the amendment, which motion prevailed by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Henderson.	Westbrook.

Nays—8.

Bailey.	Faust.
Bee.	Hall.
Caldwell.	Hudspeth.
Clark.	Parr.

Present—Not Voting.

Johnston of Harris. Page.

Absent.

Woodward.

Absent—Excused.

Dayton.

McCollum.

The bill was read second time,

and passed to its third reading by the following vote:

Yeas—17.

Alderdice.	Hopkins.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	

Nays—9.

Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Clark.	Page.
Faust.	Parr.
Hall.	

Absent.

Woodward.

Absent—Excused.

McCollum.

Pairs Recorded.

Senator Johnson of Hall (present), who would vote "yea"; Senator McCollum (absent), who would vote "nay."

Senator Caldwell (present), who would vote "nay"; Senator Dayton (absent), who would vote "yea."

Reasons for Vote.

I vote no for the following reasons:

I believe the bill to be clearly unconstitutional and I have taken oath as a Senator to uphold the Constitution to the best of my belief.

I do not believe this Legislature has any authority to consider the measure, because the Governor did not submit the matter for consideration.

And because I believe under the existing circumstances the bill is ill advised and absolutely unnecessary at this time.

JOHNSTON of Harris.

Senator Collins moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 8 put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Henderscn.	Westbrook.

Nays—8.

Bailey.	Hall.
Bee.	Hudspeth.
Clark.	Page.
Faust.	Parr.

Present—Not Voting.

Johnston of Harris.

Absent.

Woodward.

Absent—Excused.

Dayton.

Pair Recorded.

Senator Caldwell (present), who would vote "nay"; Senator Dayton (absent), who would vote "yea."

House Bill No. 26.

Senator Lattimore called up from the table and the Chair laid before the Senate as pending business on second reading:

H. B. No. 26, regulating the sale and shipment of intoxicating liquors, etc.

Senator Bee offered the following amendments which were read:

(4) Amend the bill by adding after the word "State," in line 10, page 5, the words "by an election under the local option laws of the State," and conform the caption thereto.

(5) Amend the bill by adding after the word "State" in line 21, page 5, the words "by an election under the local option laws of this State," and conform the caption thereto.

(6) Amend the bill by adding after the word "State" in line 32, page 5, the words "by an election under the local option laws of this State," and conform the caption thereto.

(7) Amend the bill by adding

after the word "State" in line 11, page 6, the words "by an election under the laws of this State," and conform the caption thereto.

(8) Amend the bill by adding after the word "State" in line 19, page 6, the words "by an election under the local option laws of this State," and conform the caption thereto.

(9) Amend the bill by adding after the word "State" in line 28, page 6, the words "by an election under the local option laws of this State," and conform the caption thereto.

(10) Amend the bill by adding after the word "State" in line 6, page 7, the words "by an election under the local option laws of this State," and conform the caption thereto.

BEE.

On motion of Senator Lattimore the foregoing amendments by Senator Bee were all tabled by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Henderson.	Westbrook.

Nays—8.

Bailey.	Hall.
Bee.	Hudspeth.
Clark.	Page.
Faust.	Parr.

Absent.

Caldwell.	Woodward.
Johnston of Harris.	

Absent—Excused.

Dayton.	McCollum.
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Senator Clark offered the following amendment:

Amend the bill by striking out all of line 25 on page 4.

On motion of Senator Lattimore, the amendment was tabled.

The bill was read second time and passed to its third reading.

Senator Lattimore moved that the

constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 26 put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—20.

Alderdice.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.

Nays—6.

Bee.	Faust.
Caldwell.	Hall.
Clark.	Parr.

Present—Not Voting.

Bailey.

Absent.

Johnston of Harris. Woodward.

Absent—Excused.

Dayton.	McCollum.
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Morning call concluded.

House Bill No. 14—Free Conference Committee Report.

Committee Room,
Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate; Hon. F. O. Fuller, Speaker of the House of Representatives.

Gentlemen: Your Free Conference Committee to whom was referred

H. B. No. 14, A bill to be entitled "An Act to prohibit making an appointment for, or soliciting any person in the service of the United States military or naval forces, to meet or come in contact with any immoral woman, for the purpose of unlawful sexual intercourse, and declaring an emergency"; after consultation beg leave to report, as follows:

The conferees on the part of the Senate agreed that the Senate shall recede from its amendments to this bill, striking out the word "unlawful," and the action of the Senate.

conference is adopted as the action of your Free Conference Committee.

Respectfully submitted,

HOPKINS,
COLLINS,
LATTIMORE,

On the part of the Senate.

CARLOCK,
THOMASON of El Paso,
BLEDSE, ~~BLEDSOE~~,
SPENCER,

On the part of the House.

The foregoing report was laid before the Senate, read and, on motion of Senator Hopkins, was adopted by the following vote:

Years—27.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Collins.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Hall.	Woodward.
Henderson.	

Absent.

Gibson. Johnston of Harris.

Absent—Excused.

Dayton. McCollum.

Senate Bill No. 28.

The Chair laid before the Senate as pending business on second reading:

S. B. No. 28, A bill to be entitled "An Act creating a court to be styled the Commission of Appeals of the State of Texas, to consist of six persons, learned in the law, to be appointed by the Governor, by and with the advice of the Senate, which shall sit in two sections, known as Section A and Section B, each section consisting of three members, and who shall hold their offices for two years and receive for their services a salary of \$5,000 per annum, and declaring an emergency."

Senator Dean offered the following amendments which were read and adopted, seriatim:

(1) Amend the bill, page 3, line 5, by striking out the words "except those first appointed hereunder."

(2) Amend the bill by changing the semicolon to a period, line 19, page 2, and by striking out all thereafter down to and including line 22, of page 2.

(3) Amend the bill by striking out Section 10 thereof, and substituting in lieu of Section 10 the following:

"Section 10. Said Commission of Appeals shall hold its sessions in Austin, Texas, for the same time and terms as does the Supreme Court and shall appoint, as many stenographers, not exceeding four, as said Commission may find necessary, and such stenographers shall perform the duties required of them by said Commission of Appeals, and each of whom shall receive an annual salary of fifteen hundred dollars. The salaries of said stenographers shall be paid in monthly instalments, on warrants approved by the Chief Justice of the Supreme Court. The Clerk of the Supreme Court shall perform the duties of clerk of said Commission of Appeals and said Clerk of the Supreme Court is hereby allowed additional compensation of twelve hundred dollars per annum for such services, to be paid out of the fees of his office."

(4) Amend the caption, line 26, by striking out the words "of a clerk and."

Senator Caldwell offered the following amendment which was read:

(5) Amend by adding Section 14a as follows:

"Section 14a. There is hereby appropriated out of any moneys not otherwise appropriated for the fiscal year ending August 31, 1918, the sum of fifteen thousand dollars to pay salaries of stenographers employed by said Commission; the purchase of books and stationery for its use, stamps, telephone and contingent expenses of said Commission."

Senator Dean offered the following which was read and was substituted for the above amendment as follows:

Amend the bill by adding after the word "Commissioner," line 25, page 5, the following, "and all other expenses of executing the provisions of this Act."

The amendment as substituted was then adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 28 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	

Nays—1.

Suiter.

Absent.

Woodward.

Absent—Excused.

Dayton.

McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	

Nays—1.

Suiter.

Absent.

Woodward.

Absent—Excused.

Dayton.

McCollum.

Senate Bill No. 32.

The Chair laid before the Senate as special order and on second reading:

S. B. No. 32, A bill to be entitled "An Act to amend Article 921, Chapter 5, Title 22, of the Revised Civil Statutes of Texas relating to appeals from the corporation courts and adding thereto Article 921a providing that in cities of ninety thousand population or over, incorporated under special charters and situated in counties containing one hundred and twenty-five thousand population or over for appeals from the corporation courts to the Court of Criminal Appeals of Texas, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

On motion of Senator McNealus the bill was laid on the table subject to call.

Senate Bill No. 72.

The Chair laid before the Senate on second reading:

S. B. No. 72, A bill to be entitled "An Act to amend an Act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein as passed by the Thirty-third Legislature, Chapter 61; and to fix the time for holding court in the counties of the Twenty-seventh Judicial District and to repeal all laws and parts of laws in conflict herewith."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

Adjournment.

At 5:15 o'clock p. m., the Senate, on motion of Senator Johnson of Hall, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Senators Johnson of Hall, Decherd and Caldwell each offered petitions

against changes in Terrell Election Law.

Senator Page offered a petition favoring original prohibition bill.

Senator Caldwell, favoring wolf bounty law and tax on dogs.

A telegram from Hon. Morris Sheppard, stating that five million dollars will be placed in the drouth stricken districts of Texas.

Engrossing Committee Reports.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 29 carefully compared and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 26 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 58 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 66, carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 67 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 10 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 54 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

HUDSPETH, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Public Debts, Claims and Accounts, to whom was referred

S. B. No. 68, A bill to be entitled "An Act directing the Board of Prison Commissioners to transfer of any funds to the credit of the Prison Commission the sum of \$375,000.00 to the credit of the general funds of the State, the reimbursement of which fund for the amount paid on debts against the present system, and the accounts of the Thirty-fifth Legislature authorizing and directing the Board of Prison Commissioners to pay out of funds to the credit of

said Prison Commission the balance of \$387,783.51, being the amount appropriated by the Thirty-fifth Legislature in payment of the balance due on such claims and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with recommendation that it do pass.

SUITER, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Senate Bill No. 40,

Have had the same under consideration and I am directed by the Committee to report same back to the Senate with the recommendation that it do pass.

COLLINS, Acting Chairman.

Committee Room,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred

S. B. No. 55, A bill to be entitled "An Act conferring upon the Railroad Commission of Texas the power to require persons, firms, corporations and receivers, owning or operating railroads within the State of Texas, to arrange or rearrange, or relocate their railroad tracks and depot buildings at stations when and where the safety of the public may require such arrangement or rearrangement; providing procedure for such requirement; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the accompanying committee amendment, and be not printed.

Committee Amendment.

Amend S. B. No. 55, by adding at the end of Section 1, the following: "Provided, however, that no such arrangement, rearrangement, or relocation shall be authorized or required within the limits of any incorporated city or town without the

express consent of the governing body of such city or town."

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Senate Bill No. 69,

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it be passed.

COLLINS, Acting Chairman.

Committee Room,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Senate Bill No. 73,

Have had the same under consideration and I am directed to report the same back to the Senate with the recommendation that it do pass.

COLLINS, Acting Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to create a State Board to be known as the State Board of Control, providing that the board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the board; prescribing in what manner the board may administer its department and fixing the qualification and status of certain officers and employees to be appointed by the board in administering its affairs; abolishing certain offices and consolidating various departments of the government and placing the administering thereof under the State Board of Control; abolishing the offices and duties of: the Board of Public Printing, State Expert Printer, State Purchasing Agent, Superintend-

ent Public Buildings and Grounds, State Inspector of Masonry, Public Buildings and Works, and the Board of Managers for each and all of the asylums of the State; including the Blind Asylum, the Deaf and Dumb Asylum, the Asylum for the Deaf, Dumb and Blind for Colored Youths, the State Colony for Feeble Minded, Confederate Home, Confederate Women's Home, State Epileptic Colony, Anti-tuberculosis Colony, Home for Lepers, State Juvenile Training School and the Girls' Training School; and providing that all the laws applicable and relating to and governing the asylums, institutions and departments named shall be administered by the State Board of Control; in addition to the duties prescribed for the board under this consolidation, additional duties relative to purchase of supplies for all State institutions, schools and departments are herein prescribed; making it the duty of the board to audit all departments and institutions of the State government and prescribing regulations relative to the same; making it the duty of the board to design certain public buildings and prescribing the board's duty relative to the design, construction and maintenance of public buildings and grounds and State parks; making it the duty of the board to prepare and publish before the meeting of each session of the Legislature an estimate of appropriations for the State government and its institutions, and prescribing certain duties for the heads of departments, institutions and the Prison System relative to each budget of appropriations; prescribing where and in what courts suits may be brought against the board; creating and defining offenses for violations of the Act, and prescribing the punishment therefor, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass.

LATTIMORE, Acting Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, a minority of your Com-

mittee on Civil Jurisprudence, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to create a State board, to be known as the State Board of Control, providing that the board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the board, etc., and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do not pass.

BAILEY.

HALL.

Committee Room,

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas and the county commissioners court of the county wherein located, to change, relocate or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas, and the city council or board of aldermen of such city; and to require such railroad corporation to make such change, relocation or abandonment upon the order of such Railroad Commission, upon the application of such city council or board of aldermen and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds when lines are changed or relocated, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consid-

eration and beg leave to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments and be not printed.

JOHNSON of Hall, Chairman.

Amendment No. 1.

Amend the caption of the bill by striking out all after the word "corporations," where said word first occurs in the caption, and insert in lieu thereof, the following:

"Or receivers of railroads, by and with the permission of the Railroad Commission of Texas and county commissioners court of the county wherein located, to change, relocate, or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants, or more, according to the United States census and to permit such railroad corporation or receivers to change, relocate, or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the governing legislative authority of such city; and to require such railroad corporation or receivers to make such change, relocation, or abandonment upon the order of such Railroad Commission, upon the application of such governing authority and providing for the exercise of the right of eminent domain to acquire lands for right of way, depot grounds, shops, roundhouses, water supply sites, switches, sidings, spurs or any other lawful purpose connected with or necessary to the building, operating or running of its road through same with a public use, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Amendment No. 2.

Amend the bill, Section 6, by striking out the word "body" and inserting in lieu thereof the word "authority."

Amendment No. 3.

Amend the bill Section 4, by inserting after the word "State" and

before the word "shall," the words "given prior hereto."

Amendment No. 4.

Amend the bill by striking out the words, "city council, or board of aldermen," wherever same occur in said bill and inserting in lieu thereof the words, "governing legislative authority."

Amendment No. 5.

Amend the bill by striking out the word and figures "of 1910," wherever same occur in said bill.

Amendment No. 6.

Amend the bill by inserting after the words "railroad corporation," wherever same occur in said bill, the words "or receivers of any railroad."

Amendment No. 7.

Amend the bill Section 3, by striking out all after the word "provisions," and insert in lieu thereof the following:

"Of this Act to change or relocate its line of railroad in this State, it shall have full power to acquire by condemnation or otherwise, all lands for rights of way, depot grounds, shops, roundhouses, water supply sites, sidings, switches, spurs or any other lawful purpose connected with or necessary to the building, operating or running of its road as changed or relocated, provided, however, that all property so acquired is hereby declared to be for and is charged with public use so far as same be necessary."

Amendment No. 8.

Amend the bill by adding at Section 2, line 5, after the words "of such city," the following: "said petition to be also supported by the names of not less than five hundred resident citizens who shall be property owners in said city."

Committee Room,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 64, A bill to be entitled "An Act to validate the sale of cer-

tain public domain made by the State on February 21, 1907, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

(Majority Report.)

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, a majority of your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 34, A bill to be entitled "An Act to create a Board of Examiners of land surveyors that shall serve without pay and prescribing their duties; prescribing the subjects in which applicants for land surveyor's license shall be examined; providing for the issuance of land surveyor's license to graduates of the Engineering Department of the State University and the Agricultural and Mechanical College without examination; providing for the revocation of land surveyor's license for certain causes and allowing appeals therefrom; providing for the bonding of licensed land surveyors; prescribing the duties of licensed land surveyors and qualifications of county surveyors and fixing their jurisdiction and fixing the compensation of licensed land surveyors; prohibiting others than licensed land surveyors from performing the duties of land surveyors; prohibiting licensed land surveyors from purchasing or being interested in the purchase or title to any public land; prescribing penalty for the violation of this Act; repealing all laws and parts of laws in conflict with this Act and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

PARR, Chairman.

(Minority Report.)

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, a minority of your Com-

mittee on Public Lands and Land Offices, to whom was referred

S. B. No. 34, A bill to be entitled "An Act to create a Board of Examiners of land surveyors that shall serve without pay and prescribing their duties, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

JOHNSON of Hall.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 79, A bill to be entitled "An Act creating and incorporating the Close Independent School District in Garza County, etc., and declaring an emergency,"

Have had said bill under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 82, A bill to be entitled "An Act creating the Gatesville Independent School District in the County of Coryell, State of Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of Gatesville of the control of its public free schools, and the title of all property now held and used for public free school purposes, and vesting the same in the said Gatesville Independent School District and its Board of Trustees; for the assessment and collection of taxes; granting power to issue coupon bonds and providing for a sinking fund; and providing for a treasurer of the school funds of the district; and granting power to said board of trustees and plenary authority to issue coupon bonds for the purpose of purchasing school sites, and erecting,

furnishing, equipping and maintaining schools and school buildings within said district; and providing for the election of trustees, and tax and bond elections, and providing for an emergency."

Have had said bill under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 65, A bill to be entitled "An Act creating the Follett Independent School District of Lipscomb County; defining its metes and bounds, vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance, to whom was referred

S. B. No. 77; A bill to be entitled "An Act to make additional appropriations for the support and maintenance of the State Orphan Home for the remainder of the fiscal year ending August 31, 1918, and for the fiscal year ending August 31, 1919, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HUDSPETH, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 80, A bill to be entitled "An Act to validate sales of school lands on condition of settlement in cases where purchasers have been or may be drafted in the service of the Federal Government before they had time to settle on the land, or before the settlement had been completed, etc., and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Parr, Chairman; Johnson of Hall, Collins, Buchanan of Bell, Hall, Buchanan of Scurry, Decherd.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

H. B. No. 56, A bill to be entitled "An Act to establish and create a Criminal District Court for Bowie County; to provide for the jurisdiction of and procedure in said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, etc., and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Buchanan of Scurry, Chairman; Collins, Hall, Henderson, Parr, Dean, Johnston of Harris.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate Bill No. 38,

Have had the same under consideration and beg leave to report it

back to the Senate with the recommendation that it do not pass, and be not printed, but that the following committee substitute be passed in lieu thereof.

PARR, Chairman.

Committee Substitute for Senate Bill No. 38.

A BILL
To be entitled

An Act to provide for the sale, transfer, patenting and forfeiture of the land belonging to the Public Free School Fund, the Lunatic Asylum fund, the Blind Asylum fund, the Deaf and Dumb Asylum fund, the Orphan Asylum fund, by amending Section 1, of Chapter 150, of an Act approved April 5, 1915; and amending Articles 5407, 5408, 5410, 5416, 5432 and 5436, of the Revised Civil Statutes of 1911, relating to the sale of public school and asylum lands and to repeal Articles 5435, Revised Civil Statutes of 1911, relating to the transfer of school and asylum lands; providing for the reservation of the minerals in said lands, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Chapter 150, approved April 5, 1915, shall be so amended as to hereafter read as follows:

Section 1. On the first day of September, 1918, and on the first day of January, May and September of each year thereafter, all the lands set apart for the benefit of the public free school fund, the Lunatic Asylum fund, the Blind Asylum fund, the Deaf and Dumb Asylum fund, the Orphan Asylum fund, which have heretofore been surveyed or that may hereafter be surveyed and portions of same shall be subject to sale by the Commissioner of the General Land Office under the regulations and upon the terms provided in this Act; provided, no land leased before the passage of this Act shall be subject to sale until the first sale date after the termination of the lease. No corporation shall purchase any land under this Act.

Section 2. Article 5407 of the Revised Civil Statutes of 1911 shall be so amended as to hereafter read as follows:

Article 5407. The Commissioner of the General Land Office shall from time to time, as the public interest may require, classify or reclassify, value or revalue, any of the land included in this Act, designating the same as agricultural, grazing, mineral or timber, or a combination of said classifications, according to the facts in the particular case, and when entry of classification and appraisal is made on the records of the General Land Office, no further action on the part of the Commissioner shall be required to give effect thereto. No land classed as agricultural shall be sold for less than one dollar and fifty cents per acre and no land classed as grazing shall be sold for less than one dollar per acre. Land classed as mineral with or without some other classification shall be sold with the reservation of the minerals that may be therein to the fund to which the land belongs. Timber on land shall be sold for cash at its fair market value. The Commissioner shall notify the clerk of the proper county of the sale of each tract, giving the name and address of the purchaser together with the price and classification of the land. Upon receipt of such notice the clerk shall immediately file and record the notice in a well bound book to be kept for that purpose. When informed of the sale of any land the clerk shall enter on his books opposite the description of the land sold, the name of the purchaser and the date sold, and the notice of such sale and the books of record and entry shall be considered public records, and open to public inspection, and it is hereby made the duty of the county clerk to exhibit the said records to any person who shall apply therefor.

Section 3. Article 5408 of the Revised Civil Statutes of 1911 shall be so amended as to hereafter read as follows:

Article 5408. In cases where any land included in this Act may be leased and the same may come on the market by reason of the termination of such lease or in cases where land may be sold and revert to the fund to which it originally belonged by reason of the forfeiture or cancellation of the sale, it shall be the duty of the Commissioner to classify and value same before the next sale date thereafter and adopt such

means as may be at his command that will give the widest publicity and general information as to when such land and other unsold land will be on the market for sale, together with the terms and conditions upon which the land may be purchased. If there are no other satisfactory or sufficient means at the command of the Commissioner that will give necessary publicity he shall have printed at the expense of the State, to be paid out of the appropriation for public printing, lists of the lands for free distribution to the public. The lists shall contain a brief statement of how one shall proceed to buy the land.

Section 4. Article 5410, Revised Civil Statutes of 1911, shall be so amended as to hereafter read as follows:

Article 5410. The land included in this Act shall be sold in whole tracts only and not to exceed eight sections of 640 acres each more or less to one person. No residence of the purchaser shall be required. All tracts of less than eighty acres shall be sold for cash. A separate application in writing shall be made for each tract applied for, and it shall sufficiently designate the tract sought to be purchased and give the price per acre or total sum, offered therefor, which shall not be less than the price fixed thereon by the Commissioner. The application shall contain the affidavit of the applicant to the effect that he desires to purchase the land for himself and that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation and that no other person or corporation is directly or indirectly interested in the purchase thereof. If the lands have been classed mineral or with an agricultural, grazing or timber classification, the minerals shall be reserved from the sale of the land and the application shall so state.

Section 5. Article 5416 of the Revised Civil Statutes of 1911 shall be so amended as to hereafter read as follows:

Article 5416. Every applicant for a survey of eighty acres or more shall accompany his application with one-fortieth of the total amount offered for the land and his obligation to the State, duly executed, binding the purchaser to pay to the State at

the General Land Office at Austin, Texas, on the first day of November after the date of the sale and on the first day of November of each year thereafter, until the whole purchase price is paid, one fortieth of the aggregate price together with interest at the rate of five per cent per annum on the whole unpaid purchase price. Every application and obligation shall be delivered to the General Land Office in a sealed envelope and the envelope shall have endorsed thereon "Application to buy land" and state when the land comes on the market. Should an envelope not so endorsed contain an application such application shall nevertheless be valid and safely and securely kept by the Commissioner or chief clerk unregistered together with all endorsed envelopes which shall not be opened until ten o'clock a. m. on the first work day following the date the land comes on the market, and the Commissioner or chief clerk shall begin at said hour to open all envelopes received up to said hour for the inspection and filing of the applications and for such action as may be prescribed by law. Those desiring to be present at such opening may do so. Applications for tracts of less than eighty acres shall be accompanied with full cash payment. When an application, obligation and first payment have been received in the General Land Office in accordance with this Act and the same shall be found correct and the land should be subject to sale the Commissioner shall award it to the one offering the highest price therefor, but not for less price than that fixed thereon. If two or more applicants offer the same price for the same land, the same being the highest price offered therefor, all shall be rejected and the land shall be offered for sale at the next sale date. Interest on all sales whether under this Act or some former law shall be due and payable on the first day of November of each year and if not paid in full when due the land, together with all payments thereon shall be subject to forfeiture by the Commissioner of the General Land Office and when forfeited by him he shall enter the fact of forfeiture upon the wrapper containing the papers relating to the sale and sign it officially, and thereupon the land and all payments made thereon shall be for-

feited to the fund to which the land originally belonged. When land has been so forfeited the same may be reinstated at any time by the payment of all interest due on the date of reinstatement if no rights of others intervene.

Section 6. Article 5432 of the Revised Civil Statutes of 1911 shall be so amended as to hereafter read as follows:

Article 5432. One desiring to purchase any portion of the unsurveyed school land shall make a written application of inquiry to the Commissioner of the General Land Office. The inquiry shall give the applicant's postoffice address, state in effect that he desires to buy the land if it should be for sale and sufficiently designate the land by giving the surrounding surveys. If it should appear from the records of the Land Office the area belongs to the public free school fund or if there should be doubt as to the existence of the area as public free school land the applicant shall be advised and given the name and address of an authorized surveyor with whom he may contract for the survey of the land at the expense of the applicant. The survey shall be made within ninety days after the date the Commissioner authorizes the survey. If the Commissioner should decline to authorize a survey to be made of an area claimed by another to be public land, such person may file a suit against the county surveyor or the surveyor of the nearest county having a county surveyor in the district court of the county in which the land is located or in the county to which such county may be attached for judicial purposes to compel him to make the survey, and thereupon the surveyor shall implead the claimant of the land and in such proceedings determine if the area be public land. In such proceedings the surveyor shall not be held for any cost incurred. When the surveyor returns the field notes and a plat of the survey to the Land Office, together with one dollar filing fee to be paid by the applicant, he shall report under oath the classification and reasonable market value of the land and also of the timber thereon and its value, which may be considered in connection with such other evidence as may be required by the Commissioner in determining the

price to be given for the land and the timber. The field notes and the plat shall be filed in the Land Office within thirty days after the date of the survey. If upon inspection of the papers the Commissioner is satisfied from the report of the surveyor and the records of the Land Office the land belongs to the public free school fund and the survey has been made according to law, he shall approve same by classifying and valuing the land and mail notice of such action to the applicant, giving the classification, price and terms. Such land shall be sold without condition of settlement and residence, and the timber, if any thereon, shall be sold for cash at its reasonable market value. No award shall be issued for the land until the timber shall have been fully paid for. The applicant shall file in the Land Office his application for the purchase together with one-fortieth of the appraised value fixed thereon within thirty days from the date of the notice of the classification and valuation, together with the applicant's obligation for the balance of the unpaid purchase price, bearing interest at the rate of five per cent per annum and the obligation shall be otherwise conditioned as required elsewhere in this Act. If such application should not be filed within the time prescribed herein, the Commissioner shall place the land on the market for sale upon the same terms as is herein provided for other surveyed school land. All tracts included in this section, shall be sold without condition of settlement and those tracts containing less than eighty acres shall be sold for full cash payment, which payment shall accompany the purchase application. If upon the inspection of any application, field notes and records of the Land Office, there should appear to be a greater area belonging to the school fund than that included in the application and field notes, the Commissioner may, in his discretion, require the applicant to include the whole area in his field notes. If for any cause a patent cannot be lawfully issued upon a tract of land hertofore surveyed by virtue of any private right and such land shall be claimed in good faith by one by virtue of an original right or by a chain of title from the original holder of such right duly exe-

cuted before the passage of this Act, such claimant having paid all taxes, shall have the right to purchase the survey at any time within sixty days after the date of the notice from the Land Office that the patent can not be issued thereon, but if the said land should not be so purchased the Commissioner shall place the same on the market for sale as other surveyed public free school land.

Section 7. Article 5436 of the Revised Civil Statutes of 1911, shall be so amended as to hereafter read as follows:

Article 5436. Land heretofore or hereafter purchased in counties other than those named in this section, and the land heretofore purchased on condition of settlement in the counties named, may sell their lands or a part thereof in tracts of any size not less than forty acres. A vendee may be substituted for the original purchaser or his vendor and thereby become a purchaser direct from the State by filing in the General Land Office a complete chain of title through personal transfers which have been duly executed and recorded in the county or counties in which the land is situated, or in the county to which such county may be attached for judicial purposes, and the payment of the lawful fees, and by so doing the vendee shall thereby assume and become liable to the State for the amount due the State upon the unpaid purchase price, together with all interest due thereon, and the obligation of the original purchaser or any vendor shall be enforceable against the vendee as if he were the original purchaser; provided, when a portion of a tract is transferred in other than forty acres or some multiple thereof, the deed shall be accompanied with field notes therefor properly executed by an authorized surveyor. Provided, the land heretofore or hereafter purchased without condition of settlement and residence under this Act or any former law wholly within the counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio and Terrell, may be sold in whole tracts only and the vendee may become a substitute purchaser therefor direct from the State in the same manner as is provided in this section for other vendees. When purchasers have completed the required resi-

dence and filed in the Land Office satisfactory proof of that fact, and all purchasers without condition of settlement and residence, shall have the option of paying the purchase price in full at any time together with the lawful fees and obtain a patent for the land.

Section 8. Article 5435 of the Revised Civil Statutes of 1911 relating to the transfer of public schools and asylum land is hereby repealed.

Section 9. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 10. The importance of the legislation proposed creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each house should be suspended and this bill be placed upon third and final passage, and that it shall take effect from and after its passage and it is so enacted.

Enrolling Committee Reports.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 17, copy of which is hereto attached and find it correctly enrolled, and have this day at 11 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 14, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 24, copy of which is hereto attached and find it correctly enrolled, and have this day at 3 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

S. B. No. 24.

By Suiter.

An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibit-

ing overlapping road districts and requiring the commissioners courts in case one road district conflicts with or overlaps another district, to pass an order correctly redefining it, and validating all overlapping road districts, except the part thereof which overlaps or embraces any portion of a contiguous road district or road districts, and ratifying all regular and proper proceedings had with reference to bond issues therein, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, be amended so as to hereafter read as follows:

Article 637d. Where a political subdivision or defined road district of a county has heretofore been established and issued bonds or is hereafter established and issues bonds, no political subdivision or defined road district shall thereafter be created or established overlapping the same territory or embracing any part thereof while any of the bonds of such political subdivision or defined road district are outstanding and unpaid, except as hereinabove provided for the county as a whole:

Provided that in the event the boundaries of any defined road district hereafter created or established overlap or embrace any part of the territory or area of another defined road district or road districts theretofore created or established, such road district shall be invalid only as to that portion thereof which overlaps or embraces any part of the territory of a defined road district or road districts theretofore established, and it shall be the duty of the commissioners court of the county in which such conflicting road districts are situated to pass a nunc pro tunc order accurately defining the boundaries of the subsequently created road district in conformity to the boundaries of such contiguous road district or road districts;

Provided further that all defined road districts in this State heretofore attempted to be established where the territory already embraced therein overlaps any portion of the territory embraced within the boundaries of another defined district or

road districts theretofore formed or established are validated in all respects, except as to that portion thereof which overlaps or embraces any part of the road district or road districts first created or established, and it shall be the duty of the commissioners court of the county in which such districts are situated to pass a nunc pro tunc order accurately defining the boundaries of the road district attempted to be created or established so as to conform to the boundaries of the contiguous road district or road districts;

And provided that all regular and proper proceedings and orders had made in the issuance of bonds or proposed bonds in, such defined road districts attempted to be established prior to the taking effect of this Act are hereby in all things validated, ratified and confirmed; provided that this Act shall in no way affect or repeal any provision of any special road law heretofore enacted for any county.

Section 2. The inadequacy of the present law in relation to the subject matter of this Act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, March 15, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Alderdice, the Senate stood at ease for five minutes, at the expiration of which time, the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Dean.
Bailey.	Decherd.
Bee.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hall.
Clark.	Henderson.
Collins.	Hopkins.